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Facsimile No.: (571) 273-8300 Date: July 6, 2006
From: Thinh V. Nguyen, Reg. No. 42,034
Our Docket No.: 42390P10140 Number of pages 9 including this sheet.
Application: 09/764,810 Filing Date: 1/16/2001

*** Subject****RcFAX: Notice of Appeal / Pre-Appeal Brief Request for Review and Form****Remarks**

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Thank you,

Thinh V. Nguyen (faxed by Assistant Tu Nguyen)

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PORT, WESA

Application No. 09/764,810 Filing Date: 01/16/2001 BSTZ Docket #: 42390.P10140 AttySec TVN/n
Date Mailed: 01/08/2004 Docket Due Date(s): 12/07/2003 01/07/2004 Client: INTEL CORPORATION
Title: TRACE CACHE FILTERING

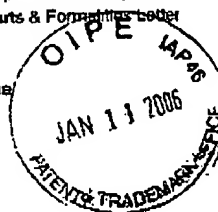
Inventor(s) Mendelson

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| <input type="checkbox"/> Application (___ pages w/ cover & abstract) | <input type="checkbox"/> Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i) |
| <input type="checkbox"/> Application Amended to Reflect Claim of Priority | <input checked="" type="checkbox"/> Notice of Appeal |
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Assignee: Intel Corporation

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FEB 06 2006

Date 3/9/2006 Client: Intel CorporationDocket Initials ✓ 42390.P10140

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Pat/Ser/Reg 764810

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Description:

Appeal brief due

2/2/2006

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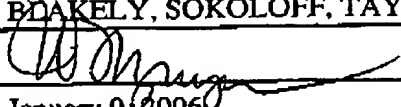
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application No.	09/764,810
		Filing Date	January 16, 2001
		First Named Inventor	Abrahma Mendelson
		Art Unit	2186
		Examiner Name	Hong Chong Kim
Total Number of Pages in This Submission	9	Attorney Docket Number	42390P10140

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">-Pre-Appeal Brief Request for Review Form -Pre-Appeal Brief Request for Review</div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Thinh V. Nguyen, Reg. No. 42,034 BDAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	January 9, 2006

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PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

042390.P10140

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on January 9, 2006Signature Typed or printed name Tu Nguyen

Application Number

09/764,810

Filed

01/16/2001

First Named Inventor

Abraham Mendelson

Art Unit

2185

Examiner

Hong Chong Kim

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

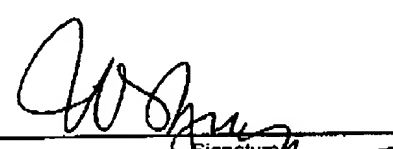
I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record. 42,034
Registration number

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____



Thinh V. Nguyen

Typed or printed name

(714) 557-3800

Telephone number

January 9, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Appl. No. 09/764,810
Pre-Appeal Brief Request for Review

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No. : 09/764,810
Applicant : Abraham Mendelson
Filed : 01/16/2001
TC/A.U. : 2185
Examiner : Hong Chong Kim

Confirmation No. 7766

Docket No. : 042390.P10140
Customer No. : 8791

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

In response to the Final Office action dated October 17, 2005, Applicants would like to request a pre-appeal panel review of the application.

Remarks/Arguments begin on page 2 of this paper.

Appl. No. 09/764,810
Pre-Appeal Brief Request for Review

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REMARKS/ARGUMENTS

Claims 1-30 are pending in the present application.

This request is in response to the Final Office Action mailed October 17, 2005. In the Final Office Action, the Examiner rejected claims 1-6, 10, 11-16, 20, 21-26, and 30 under 35 U.S.C. §103(a). Pre-appeal panel review of the application in light of the remarks/arguments made herein is respectfully requested.

Rejection Under 35 U.S.C. § 103

In the Final Office Action, the Examiner rejected claims 1-6, 10, 11-16, 20, 21-26, and 30 under 35 U.S.C. §103(a) as being unpatentable over "The Cache Memory Book", Jim Handy, Academic Press, 1993, pp 37-93 ("Handy") in view of U.S. Patent No. 6,272,598 issued to Arlitt et al. ("Arlitt"). Applicants respectfully traverse the rejection and contend that the Examiner has not met the burden of establishing a prima facie case of obviousness.

There are several clear errors in the Examiner's rejections and arguments.

1. Handy and Arlitt, individually or in combination, do not disclose, suggest, or render obvious a cache manager to manage a transfer of a trace.

Applicant would like to refer to the response filed on September 7, 2005, page 8. Among other things, Handy's instruction cache and Arlitt's Web objects are not traces.

2. Handy and Arlitt, individually or in combination, do not disclose, suggest, or render obvious a first cache to evict the trace based on a replacement mechanism.

Applicant would like to refer to the response filed on September 7, 2005, page 8. Among other things, Handy's transfer is line transfer and Arlitt's transfer is Internet transfer.

3. Handy and Arlitt, individually or in combination, do not disclose, suggest, or render obvious a second cache to receive the evicted trace based on a first number of accesses to the trace.

Applicant would like to refer to the response filed on September 7, 2005, page 8. Among other things, neither Handy nor Arlitt discloses a 2nd cache to receive the evicted trace.

4. Claims must be interpreted consistently with the specification:

Claims should be interpreted consistently with the specification, which provides content for the proper construction of the claims because it explains the nature of the patentee's invention. See Renishaw P.L.C. v. Marposs Societa Per Azioni, 158 F.3d 1243 (Fed. Cir. 1998).

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Here, the trace, the trace cache manager, the first cache, the second cache and their relationships are fully described in the Specification. See, for example, page 4 (lines 4-11), page 5 (lines 11-16, lines 29-37), page 6 (lines 1-39), page 7 (lines 1-39), page 8 (lines 1-16), and Figure 3.

Accordingly, Applicants respectfully request the Review Panel render a decision allowing the application.

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Pre-Appeal Brief Request for Review

Conclusion

Applicants respectfully request the Review Panel render a decision allowing the application.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: January 9, 2006

By


Thinh V. Nguyen

Reg. No. 42,034

Tel.: (714) 557-3800 (Pacific Coast)

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Date: January 9, 2006

Tu Nguyen 

January 9, 2006

Date